

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Owen Hobbs,
Petitioner

vs

Case No. 1:01cv720
(Spiegel, J.; Novotny, M.J.)

Harry K. Russell,
Respondent

ORDER

Petitioner, an inmate in state custody at the Lebanon Correctional Institution in Lebanon, Ohio, has filed through counsel a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his 2000 conviction for murder. (*See* Doc. 1).

In his sole ground for relief, petitioner alleges that he was denied his right to due process and a fair trial when the prosecutor exercised two peremptory challenges during jury selection to exclude two African-Americans from the jury panel. (Doc. 1 at 5). In his return of writ, respondent argues that petitioner's claim under *Batson v. Kentucky*, 476 U.S. 79 (1986), lacks merit, citing to the decision of the Ohio Court of Appeals in petitioner's direct appeal. (*See* Doc. 3 at 8-9). Respondent does not include a copy of the transcript of the jury voir dire as an exhibit to the return of writ.

Review of the transcript of the jury voir dire would be helpful to this Court in adjudicating petitioner's *Batson* claim. Because the transcript is not contained in the record submitted to the Court by respondent, respondent is hereby ORDERED to

provide this Court with the transcript described above within twenty (20) days of the date of filing of this Order.

IT IS SO ORDERED.

Date: January 5, 2004
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S/Susan M. Novotny
Susan M. Novotny
United States Magistrate Judge

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